

Requested by SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

**PROPOSED AMENDMENTS TO  
SENATE BILL 677**

1 On page 1 of the printed bill, delete lines 6 through 31 and delete pages  
2 2 and 3.

3 On page 4, delete lines 1 through 28 and insert:

4 **“SECTION 2. (1) As used in this section:**

5 **“(a) ‘Agri-tourism or other commercial events’ includes outdoor**  
6 **concerts for which admission is charged, educational, cultural, health**  
7 **or lifestyle events, facility rentals, celebratory gatherings and other**  
8 **events at which the promotion of cider produced in conjunction with**  
9 **the cider business is a secondary purpose of the event.**

10 **“(b)(A) ‘Cider’ means an alcoholic beverage made from the**  
11 **fermentation of the juice of apples or pears.**

12 **“(B) ‘Cider’ includes but is not limited to flavored cider, sparkling**  
13 **cider and carbonated cider.**

14 **“(c) ‘Cider business’ means a facility used primarily for the com-**  
15 **mercial production, shipping and distribution, wholesale or retail**  
16 **sales, tasting, crushing, making, blending, storage, bottling, adminis-**  
17 **trative functions or warehousing of cider.**

18 **“(d) ‘Cidermaker’ means a person who makes cider.**

19 **“(e) ‘On-site retail sale’ includes the retail sale of cider in person**  
20 **at the cider business site, through a cider club or over the Internet**  
21 **or telephone.**

1       “(f) ‘Orchard’ means a piece of land planted with apple or pear  
2 trees.

3       “(2) A cider business may be established as a permitted use on land  
4 zoned for exclusive farm use under ORS 215.213 (1)(aa) and 215.283  
5 (1)(y) or on land zoned for mixed farm and forest use if the cider  
6 business produces:

7       “(a) Less than 100,000 gallons of cider annually and the cider busi-  
8 ness:

9       “(A) Owns an on-site orchard of at least 15 acres;

10       “(B) Owns a contiguous orchard of at least 15 acres;

11       “(C) Has a long-term contract for the purchase of all of the apples  
12 or pears from at least 15 acres of an orchard contiguous to the cider  
13 business; or

14       “(D) Obtains apples or pears from any combination of subparagraph  
15 (A), (B) or (C) of this paragraph; or

16       “(b) At least 100,000 gallons of cider annually and the cider business:

17       “(A) Owns an on-site orchard of at least 40 acres;

18       “(B) Owns a contiguous orchard of at least 40 acres;

19       “(C) Has a long-term contract for the purchase of all of the apples  
20 or pears from at least 40 acres of an orchard contiguous to the cider  
21 business;

22       “(D) Owns an on-site orchard of at least 15 acres on a tract of at  
23 least 40 acres and owns at least 40 additional acres of orchards in  
24 Oregon that are located within 15 miles of the cider business site; or

25       “(E) Obtains apples or pears from any combination of subparagraph  
26 (A), (B), (C) or (D) of this paragraph.

27       “(3) In addition to any other activities authorized for a cider busi-  
28 ness, a cider business established under this section may:

29       “(a) Market cider produced in conjunction with the cider business.

30       “(b) Conduct operations that are directly related to the sale or

1 **marketing of cider produced in conjunction with the cider business,**  
2 **including:**

3 **“(A) Cider tastings in a tasting room or other location on the**  
4 **premises occupied by the cider business;**

5 **“(B) Cider club activities;**

6 **“(C) Cidermaker luncheons and dinners;**

7 **“(D) Cider business and orchard tours;**

8 **“(E) Meetings or business activities with cider business suppliers,**  
9 **distributors, wholesale customers and cider industry members;**

10 **“(F) Cider business staff activities;**

11 **“(G) Open house promotions of cider produced in conjunction with**  
12 **the cider business; and**

13 **“(H) Similar activities conducted for the primary purpose of pro-**  
14 **moting cider produced in conjunction with the cider business.**

15 **“(c) Market and sell items directly related to the sale or promotion**  
16 **of cider produced in conjunction with the cider business, the market-**  
17 **ing and sale of which is incidental to on-site retail sale of cider, in-**  
18 **cluding food and beverages:**

19 **“(A) Required to be made available in conjunction with the con-**  
20 **sumption of cider on the premises by the Liquor Control Act or rules**  
21 **adopted under the Liquor Control Act; or**

22 **“(B) Served in conjunction with an activity authorized by paragraph**  
23 **(b), (d) or (e) of this subsection.**

24 **“(d) Subject to subsections (6) to (9) of this section, carry out agri-**  
25 **tourism or other commercial events on the tract occupied by the cider**  
26 **business.**

27 **“(e) Host charitable activities for which the cider business does not**  
28 **charge a facility rental fee.**

29 **“(f) Site a bed and breakfast as a home occupation on the same**  
30 **tract, and in association with, the cider business.**

1       **“(4) A cider business may include on-site kitchen facilities licensed**  
2 **by the Oregon Health Authority under ORS 624.010 to 624.121 for the**  
3 **preparation of food and beverages described in subsection (3)(c) of this**  
4 **section. Food and beverage services authorized under subsection (3)(c)**  
5 **of this section may not utilize menu options or meal services that**  
6 **cause the kitchen facilities to function as a cafe or other dining es-**  
7 **tablishment open to the public.**

8       **“(5)(a) The gross income of the cider business from the sale of in-**  
9 **cidental items or services provided pursuant to subsection (3)(c) to (e)**  
10 **of this section may not exceed 25 percent of the gross income from the**  
11 **on-site retail sale of cider produced in conjunction with the cider**  
12 **business. The gross income of a cider business does not include income**  
13 **received by third parties unaffiliated with the cider business.**

14       **“(b) At the request of a local government with land use jurisdiction**  
15 **over the site of a cider business, the cider business shall submit to the**  
16 **local government a written statement prepared by a certified public**  
17 **accountant that certifies the compliance of the cider business with**  
18 **this subsection for the previous tax year.**

19       **“(6) Except as provided by subsections (7) and (8) of this section, a**  
20 **cider business may carry out agri-tourism or other commercial events**  
21 **described in subsection (3)(d) of this section for up to 18 days per cal-**  
22 **endar year.**

23       **“(7) A cider business in the Willamette Valley may carry out agri-**  
24 **tourism or other commercial events as provided in subsection (6) of**  
25 **this section, provided:**

26       **“(a) Events on the first six days of the 18-day limit per calendar**  
27 **year are authorized by the local government through the issuance of**  
28 **a renewable multi-year license that:**

29       **“(A) Has a term of five years; and**

30       **“(B) Is subject to an administrative review to determine necessary**

1 conditions pursuant to subsection (8) of this section.

2 “(b) The local government’s decision on a license under paragraph  
3 (a) of this subsection is not:

4 “(A) A land use decision, as defined in ORS 197.015, and is not sub-  
5 ject to review by the Land Use Board of Appeals.

6 “(B) A permit, as defined in ORS 215.402 or 227.160.

7 “(c) Events on days seven through 18 of the 18-day limit per calen-  
8 dar year are authorized by the local government through the issuance  
9 of a renewable multi-year permit that:

10 “(A) Has a term of five years;

11 “(B) Is subject to an administrative review to determine necessary  
12 conditions pursuant to subsection (8) of this section; and

13 “(C) Is subject to notice as specified in ORS 215.416 (11) or 227.175  
14 (10).

15 “(d) The local government’s decision on a permit under paragraph  
16 (c) of this subsection is:

17 “(A) A land use decision, as defined in ORS 197.015, and is subject  
18 to review by the Land Use Board of Appeals.

19 “(B) A permit, as defined in ORS 215.402 or 227.160.

20 “(8)(a) A local government with land use jurisdiction over the site  
21 of a cider business shall ensure that agri-tourism or other commercial  
22 events occurring as described in subsection (3)(d) of this section are  
23 subordinate to the production and sale of cider and do not create sig-  
24 nificant adverse impacts to uses on surrounding land.

25 “(b) A local government may impose conditions on a license or  
26 permit issued pursuant to subsection (7) of this section as necessary  
27 to meet the requirements of paragraph (a) of this subsection. The  
28 conditions must be related to:

29 “(A) The number of event attendees;

30 “(B) The hours of event operation;

1       **“(C) Access and parking;**  
2       **“(D) Traffic management;**  
3       **“(E) Noise management; and**  
4       **“(F) Sanitation and solid waste.**

5       **“(9) A local government may charge a fee for processing a license**  
6 **or permit under subsections (6) and (7) of this section. The fee may**  
7 **not exceed the actual or average cost of providing the applicable li-**  
8 **censing or permitting service.**

9       **“(10) When a bed and breakfast facility is sited as a home occupa-**  
10 **tion on the same tract as a cider business as described in subsection**  
11 **(3)(f) of this section:**

12       **“(a) The bed and breakfast facility may prepare and serve two meals**  
13 **per day to the registered guests of the bed and breakfast facility; and**

14       **“(b) The meals may be served at the bed and breakfast facility or**  
15 **at the cider business.**

16       **“(11) A cider business operating under this section shall provide**  
17 **parking for all activities or uses of the lot, parcel or tract on which**  
18 **the cider business is situated.**

19       **“(12) A local government with land use jurisdiction over the site of**  
20 **a cider business shall ensure that the cider business complies with:**

21       **“(a) Local criteria regarding floodplains, geologic hazards, the**  
22 **Willamette River Greenway, solar access and airport safety;**

23       **“(b) Regulations of general applicability for the public health and**  
24 **safety; and**

25       **“(c) Regulations for resource protection acknowledged to comply**  
26 **with any statewide goal respecting open spaces, scenic and historic**  
27 **areas and natural resources.**

28       **(13)(a) For the purpose of limiting demonstrated conflicts with ac-**  
29 **cepted farm and forest practices on adjacent lands, a local government**  
30 **with land use jurisdiction over the site of a cider business shall:**

1       **(A) Except as provided in paragraph (b) of this subsection, establish**  
2 **a setback of at least 100 feet from all property lines for the cider**  
3 **business and all public gathering places; and**

4       **(B) Require cider businesses to provide direct road access and**  
5 **internal circulation for the cider business and all public gathering**  
6 **places.**

7       **(b) A local government may allow a setback of less than 100 feet**  
8 **by granting a cider business an adjustment or variance to the re-**  
9 **quirement described in paragraph (a)(A) of this subsection.”.**

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